

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
UTICA DIVISION

**BRETT JOHNSON, on behalf of himself, and all
others similarly situated,**

Plaintiff,

vs.

**WAVE COMM GR LLC, and ROBERT
GUILLERAULT and RICHARD RUZZO
individually,**

Defendants.

CASE NO. 6:10-cv-00346-DNH-ATB

**AFFIDAVIT OF TIMOTHY C.
SELANDER IN SUPPORT OF
PLAINTIFFS' COUNSEL'S MOTION
TO WITHDRAW AS COUNSEL FOR
TEN UNRESPONSIVE OPT-IN
PLAINTIFFS**

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

Timothy C. Selander, being first duly sworn, states as follows:


1. I am an associate attorney in the law firm of Nichols Kaster, PLLP ("Nichols Kaster") and I am one of the attorneys representing the Plaintiffs in the above-referenced matter.
2. I make this Affidavit in support of Plaintiff's Counsel's Motion To Withdraw As Counsel For Ten Unresponsive Opt-In Plaintiffs.
3. Court-authorized notice was distributed to potential collective members, advising them of their right to opt into the collective on July 29, 2011.
4. The opt-in period closed on September 10, 2011.
5. At present, there are 72 opt-in plaintiffs in the collective.

6. Since service of Defendants' First Set of Interrogatories to Plaintiffs on August 15, 2011, Plaintiffs' Counsel have attempted to communicate with each of the unresponsive clients by phone, letter, and email on multiple occasions. Plaintiffs' Counsel have also searched public and private databases for potential new addresses for these individuals and mailed letters to those addresses. As a final attempt to reach these unresponsive clients, Plaintiffs' Counsel sent a letter to each, stating that if Plaintiffs' Counsel had not received either a withdrawal form or some type of affirmative communication by July 23, 2012, they would move to withdraw as counsel and will no longer represent them in this matter.

7. To date, the unresponsive clients have not responded to Plaintiffs' Counsel's attempts to communicate with them.

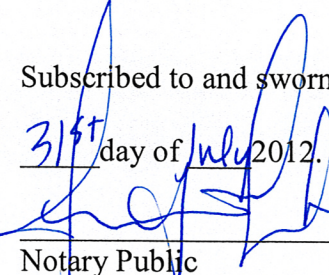
FURTHER YOUR AFFIANT SAYETH NOT.

DATED: July 31, 2012


Timothy C. Selander

Subscribed to and sworn before me this

31st day of July 2012.


Notary Public

